

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DEION WILLIAMS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

STEPHANIE WILLIAMS,

Respondent-Appellant.

UNPUBLISHED

January 18, 2007

No. 270085

Washtenaw Circuit Court

Family Division

LC No. 05-000013-NA

In the Matter of ALEYSIA WILLIAMS, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

STEPHANIE WILLIAMS,

Respondent-Appellant.

No. 270086

Washtenaw Circuit Court

Family Division

LC No. 05-000014-NA

In the Matter of DONOVAN MCFARLIN, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

STEPHANIE WILLIAMS,

Respondent-Appellant.

No. 270087

Washtenaw Circuit Court

Family Division

LC No. 05-000015-NA

Before: Murray, P.J., and Fitzgerald and Owens, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(i), (b)(ii), (b)(iii), (j), (k)(iii), (k)(iv), and (k)(v). We affirm.

This case came to petitioner's attention after the police discovered that seven-year-old Deion had suffered severe abuse at the hands of respondent and her live-together partner, Byron McFarlin. McFarlin had partially immersed the child in scalding hot water in the bathtub as a form of punishment, causing severe burns to Deion's legs and feet and secondary splash burns to other parts of his body. Respondent was home at the time and failed to take any action to protect Deion. Respondent claimed to be afraid of McFarlin, who threatened to hurt or kill her and the children, but she continued to leave the home to go to work each day. Despite these opportunities, she did not tell any one about Deion's injuries and failed to seek medical attention for him for two weeks. During this two-week period, McFarlin ordered respondent to beat the child with a belt after he accidentally wet his bed, and respondent did so. Deion was then forced to sleep in the bathtub or a closet. When the child was finally taken to the hospital, medical personnel reported multiple bruises and cuts all over his entire body, dehydration, malnutrition, anemia, and hypertension, in addition to severe burns. Deion reported that McFarlin had scalded him as punishment three or four times previously, and that his mother was home when some of these incidents occurred.

On appeal, respondent argues that the trial court erred in admitting photographs depicting Deion's burns, bruises, and other injuries, because the probative value of these photographs did not outweigh the risk of undue prejudice to respondent. We review the trial court's decision to admit or exclude evidence for an abuse of discretion. *In re MU*, 264 Mich App 270, 276; 690 NW2d 495 (2004). These photographs were properly admitted to buttress the testimony of medical examiners and workers and to aid the court in understanding the testimony of the witnesses concerning the nature and extent of the child's condition. *In re CR*, 250 Mich App 185, 197-198; 646 NW2d 506 (2002); *People v Doyle (On Remand)*, 129 Mich App 145, 156; 342 NW2d 560 (1983), overruled in part on other grounds *People v Williams*, 422 Mich 381, 387-388 n 2; 373 NW2d 567 (1985). Furthermore, the photographs were viewed only by the court, lessening the possibility of any unfair prejudice to respondent. *People v Taylor*, 245 Mich App 293, 305; 628 NW2d 55 (2001).

Respondent also argues that the trial court erred in finding that the children's best interests did not preclude termination of her parental rights. MCR 3.977(J); MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354-355; 612 NW2d 407 (2000). We disagree. The court's decision was amply supported by the entire record. Respondent, a college graduate and an apparently capable individual, took no steps to protect her children from severe abuse or to seek medical treatment for Deion after severe abuse occurred. As the trial court found, her argument that she also was a victim of domestic abuse from McFarlin does not absolve her from responsibility for her children's well being. The horrible facts of this case demonstrate that, whether respondent was a helpless victim or not, these children should never be permitted to be placed in her care again.

Affirmed.

/s/ Christopher M. Murray

/s/ E. Thomas Fitzgerald

/s/ Donald S. Owens